Ord No 6
1966

CERTIFICATE OF POSTING

STATE OF OREGON)
COUNTY OF UNION) SS:
CITY OF ELGIN)

I, Ethel J. Hunt, Recorder of the City of Elgin, hereby certify that on the 26th day of October, 1966, I posted duplicate originals of the Notice hereto attached, marked Exhibit "A", and by this reference made a part of this certificate, in four public places in the City of Elgin, Oregon, and caused the same to be posted for a period of two successive weeks prior to the day of hearing designated therein, and that such notices were posted at the following places, each of said places being a public place in the City of Elgin:

(1) City Hall

(2) First State Bank

(3) Post Office

(4) Bobs Grocery

DATED this 26 day of November, 1966.

Ethel J. Hunt

Ethel J. Hunt, Recorder

Exhibit "A"

NOTICE OF HEARING RE WITHDRAWAL OF PART OF ELGIN RURAL FIRE PROTECTION DISTRICT FROM SAID DISTRICT

NOTICE is hereby given that on the 10th day of November, 1966, at 8:00 P. M. in the Council Chambers in the City Hall in Elgin, Oregon, a public hearing will be held on the question of the withdrawal of the hereinafter described property from Elgin Rural Fire Protection District, said property having heretofore been annexed to the City of Elgin and being particularly described as:

Commencing at a point found by starting at the quarter section corner between Sections 15 and 22, Township 1 North, Range 39 East of the Willamette Meridian, and running thence south 0° 10' west 8.0 feet; thence south 89° 41' East to the west line of the right-of-way of La Grande-Joseph Highway as relocated; thence southerly along the west line of said highway 300 feet, more or less, to the southerly line of land conveyed to United States National Foundation by deed dated April 14, 1961 (deed book 144, page 530), -- this being the TRUE POINT OF BEGINNING of the parcel of land here described;

From the true point of beginning so found and determined, running thence south 69° 36' west along the southerly line of said United States National Foundation property to a point which is 150 feet west of the west line of said highway (measured at right angles to said highway); thence southerly, parallel with and 150 feet west of said highway, a distance of 150 feet; thence east 150 feet to the west line of said highway; thence north 0° 53' 20" west along the west line of the highway, 205 feet, more or less, to the true point of beginning. Containing 0.61 acres, more or less.

Situate in the northwest quarter of northeast quarter of Section 22, Township 1 North, Range 39, East of the Willamette Meridian, in Union County, Oregon.

At said hearing the City Council of the City of Elgin will hear objections to the withdrawal and determine whether such withdrawal is for the best interest of the City.

PUBLISHED and POSTED pursuant to Resolution of the City Council of the City of Elgin, and dated this 26th day of October, 1966.

Ethel J. Hunt

Ethel J. Hunt, Recorder.

P. O. BOX 996

PHONE 963-4124

ROSS E. HEARING
LAWYER
LA GRANDE, OREGON
97850

August 8, 1966

Mrs. Ethel J. Hunt
City Recorder
Elgin, Oregon

Dear Ethel:

Herewith enclosed find:

(1) Petition for Annexation

(2) Affidavit
Please fill in all the necessary information on the Affidavit and also the attached Notice of Annexation Hearing. FILL IN DATE (9TH) on all copies of NOTICE. Do actual date on affidavit when you post.

(3) Five copies of Notice of Annexation Hearing
Original is for your file.
Four copies are to be posted.
One copy is for the newspaper. - Publish 2 weeks
Please fill in the date on all copies.

(4) Ordinance providing for dispensing with submitting the question of annexing to the City.
TO BE PASSED THE 9TH

Sincerely,

Ross

ROSS E. HEARING

REH:mk
Enclosures

RESOLUTION NUMBER 4

SERIES 1966

BE IT RESOLVED by the Council of the City of Elgin that November 10, 1966, at 8:00 P. M. shall be, and is hereby, fixed as the date and time, and the City Council Chambers in the City Hall in the City of Elgin shall be, and is hereby, fixed as the place, for a hearing on the question of withdrawal from Elgin Rural Fire Protection District of a part of such district heretofore annexed to the City of Elgin and described on Exhibit "A" hereto attached and by this reference made a part hereof; and

BE IT FURTHER RESOLVED that notice of the date, time, place and purpose of the hearing be published once each for two successive weeks prior to the date of such hearing in the Elgin Recorder, a newspaper of general circulation in the City of Elgin, and be posted in four public places in the City for a like period by the Recorder.

DATED at Elgin, Oregon, this 11th day of October, 1966.

Loyd A Spike
Mayor

Jack R. Hakey

Donald R Hendricks

Robin C Simmons

Lyndon Knapp

Hazel L Reed

Councilmen

ATTEST:

Ethel Reed
Recorder

Exhibit "A"

Commencing at a point found by starting at the quarter section corner between Sections 15 and 22, Township 1 North, Range 39 East of the Willamette Meridian, and running thence south 0° 10" west 8.0 feet; thence south 89° 41' East to the west line of the right-of-way of La Grande-Joseph Highway as relocated; thence southerly along the west line of said highway 300 feet, more or less, to the southerly line of land conveyed to United States National Foundation by deed dated April 14, 1961 (deed book 144, page 530), -- this being the TRUE POINT OF BEGINNING of the parcel of land here described;

From the true point of beginning so found and determined, running thence south 69° 36' west along the southerly line of said United States National Foundation property to a point which is 150 feet west of the west line of said highway (measured at right angles to said highway); thence southerly, parallel with and 150 feet west of said highway, a distance of 150 feet; thence east 150 feet to the west line of said highway; thence north 0° 53' 20" west along the west line of the highway, 205 feet, more or less, to the true point of beginning. Containing 0.61 acres, more or less.

Situate in the northwest quarter of northeast quarter of Section 22, Township 1 North, Range 39, East of the Willamette Meridian, in Union County, Oregon.

may be designated in the resolution, at a special election to be called as provided in ORS 222.430 to 222.450.

222.430 Special election; notice; appointment of election officers; procedure in making returns. (1) The council, or other legislative body, of any incorporated city may call a special election within the territory proposed to be annexed. Notice of the time and purpose of such special election and the voting places shall be given by publication in a newspaper of general circulation within the incorporated city for a period of 20 days prior to such election. In addition, like notice shall be posted in four public places within the territory proposed to be annexed and for a like period. The resolution calling the special election shall direct the giving of such notice. The notice as published and posted shall be signed by the clerk or auditor or like officer of the incorporated city. The notice shall also distinctly state the proposition to be submitted and the boundaries of the territory proposed to be annexed. The legal voters within the territory shall be invited to vote upon such proposition by placing upon their ballot the words "for annexation," or the words "against annexation," or words equivalent thereto.

(2) The council, or other legislative body, shall also designate the time and places at which the polls will be open within such territory, which places shall, as far as practicable, be those usually used for voting purposes within such territory. The council shall also appoint and designate the names of the judges and clerks of the election, all of which may be done in the resolution calling the special election and stated in the published and posted notice.

(3) The votes cast shall be counted, canvassed and returned in the same manner as if cast upon such proposition at a general election, except that the returns shall be made to the auditor, clerk or like officer of the incorporated city.

222.440 Auditor to furnish ballots; payment of election cost by city or petitioners; compensation of election officials. The city auditor, clerk or like city officer shall provide a sufficient number of suitable ballots to be used at the election. The expenses of any such special election shall be paid out of the general funds of the incorporated city by which the election is called, and the judges and clerks of election shall be entitled to receive the same compensation as judges and clerks serving as such at a general election. Provided, however, the council or other city legislative body may, in its discretion, before calling any such special election, require the petitioners to pay into the city treasury the estimated expense of such election.

222.450 Application of general laws; supplementary method of annexation. Except as provided in ORS 222.410 to 222.440, the provisions of any existing general law when applicable, and the provisions of the charter of any incorporated city relating to the annexation of any territory, or calling or holding of an election thereunder, the counting, canvassing and returning of the votes and the effect of any such votes, hereby are made applicable and are retained in full force and effect. ORS 222.410 to 222.440 are intended to be supplementary to existing laws.

222.460 to 222.500 [Reserved for expansion]

ANNEXATION OF PUBLIC SERVICE DISTRICTS

222.510 Annexation of entire district; transfer of liabilities and functions to city. Whenever the entire area of a rural fire protection district, a water district, including a domestic water supply corporation or a water control district, a park and recreation district, a highway lighting district, a zoning district, a special road district or a sanitary district, lawfully organized and existing, becomes incorporated in or annexed to a city in accordance with law, the district shall be extinguished and the city shall, upon the effective date of such incorporation or annexation, succeed to all the assets and become charged with all the liabilities, obligations and functions of the district. The district officers shall forthwith deliver to the city officers the district assets and records. Uncollected taxes theretofore levied by such district shall become the property of the city and be delivered to it by the county treasurer upon collection.

[Amended by 1955 c.471 §1; 1963 c.347 §1; 1965 c.509 §1]

222.520 Annexation of less than entire district; assumption of liabilities by city optional. (1) Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may at any time after such incorporation or annexation cause that part to be withdrawn from such a district in the manner set forth

in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.

(2) The part thus withdrawn shall not thereby be relieved from liabilities and indebtedness previously contracted by the district. For the purposes of paying such liabilities and indebtedness of the district, property in the part withdrawn shall continue to be subject to assessment and taxation uniformly with property in the area remaining in the district. The city of which it became a part may, however, in the sound discretion of its governing body, assume such obligations if the obligations assumed do not bring the total of the city's obligations above any applicable limitations prescribed by statute. When the city assumes such obligations it shall be liable to the district for one of the following, at the option of the city:

(a) The amount of taxes which otherwise would be extended each year therefor against the property in the part withdrawn; or

(b) Payment annually, as the bonds of the district that were outstanding on the effective date of the withdrawal mature, of the same proportion of such outstanding bonds, and the interest thereon, as the assessed valuation of the part withdrawn bears to the assessed valuation of the entire district on the effective date of the withdrawal. After the city agrees to make such payments under this subsection, neither the city nor the part withdrawn shall be charged by the district with any future liabilities, obligations or functions of the district.

[Amended by 1955 c.471 §2; 1957 c.401 §1; 1963 c.347 §2; 1965 c.509 §2]

222.524 Procedure for withdrawal of part of district from district. (1) If as authorized by ORS 222.520 the governing body of the city elects to cause the withdrawal from a district named in ORS 222.510 of that part of such district theretofore incorporated in or annexed to the city, it shall hold a public hearing on the question of such withdrawal. At the hearing, the governing body of the city shall hear objections to the withdrawal and shall determine whether such withdrawal is for the best interest of the city.

(2) The governing body shall fix a date, time and place for the hearing and cause notice of the date, time, place and purpose of the hearing to be published once each week for two successive weeks prior to the date of the hearing in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(3) After the hearing, the governing body of the city may by ordinance declare that the part of the district which was theretofore incorporated as or annexed to the city is withdrawn from the district.

(4) The ordinance referred to in subsection (3) of this section is subject to referendum.

(5) The city may withdraw from all of such districts at the same time in one proceeding under this section or may withdraw from each district in separate proceedings at different times.

[1957 c.401 §3; 1963 c.347 §3; 1965 c.509 §3]

222.528 Territory withdrawn from district not liable for certain obligations. The liabilities and indebtedness for which a part of a district named in ORS 222.510 remains liable, upon withdrawal by annexation or incorporation as provided in ORS 222.520, shall not include:

(1) Current operating expenses of the district beyond the fiscal year in which the withdrawal is effective.

(2) Special tax levies, bond indebtedness or debt service obligations approved in the district subsequent to the withdrawal.

(3) Any amount which is due beyond the fiscal year in which the withdrawal is effective by reason of a contract for services between the district and another district or municipality where the amount due varies in each fiscal year according to the assessed valuation of the district.

[1957 c.573 §2; 1963 c.347 §4; 1965 c.509 §4]

222.530 Procedure for division of assets on withdrawal of part of district; arbitration and award. (1) Within 90 days from the date of such withdrawal of part of a rural fire protection district, a highway lighting district, a zoning district, a special road district or a park and recreation district, the governing bodies of the city and the district shall agree upon an equitable division and disposal of the assets of the district. The plan of division of assets shall be arrived at after giving consideration to the assessed valuation of the whole district and the part of it withdrawn, the types of assets, and their location and intended use. However,

the plan for division of assets of a rural fire protection district may in no case divide the assets so that the remaining part of the district would have a less favorable fire insurance grade classification, according to filings made pursuant to ORS 737.315, than that which the district had at the time of the withdrawal.

(2) The remainder of such district shall continue in existence as a district, but may dissolve in the manner provided in the applicable district statutes. After withdrawal, the services for the remaining part may be performed by the remainder of the district acting independently as such; or, in the case of a rural fire protection district, a highway lighting district, a special road district or a park and recreation district, such services may be performed by contract with the city, or by agreement of the city directly with the property owners of the remainder if the district determines upon dissolution. If dissolution is determined upon, and the city agrees to furnish service to the remainder of the district, all assets of the district shall become the property of the city.

(3) If an agreement pursuant to subsection (1) of this section cannot be arrived at within 90 days from the date of withdrawal, upon the request of any party in interest, the county court or board of county commissioners of the county in which the property is situated shall submit the matter to arbitration under ORS 33.210 to 33.340.

(4) Service under ORS 33.310 need be made only upon parties in interest who have participated in the arbitration proceedings. An appeal from the award may be taken only to the circuit court for the county in which the property withdrawn is located, subject to further appeal under ORS 33.340. The functions of the district for the entire preexisting area thereof shall be continued by the district until the final determination of such agreement or arbitration.

(5) The governing bodies of the city and a rural fire protection district, a special road district or a park and recreation district, as the case may be, may enter into a binding agreement for the joint operation of the fire protection or park and recreation facilities of each that will be beneficial to and equitable for the inhabitants and property owners of each after the withdrawal of part of such districts.

[Amended by 1955 c.471 §3; 1957 c.401 §4; 1963 c.347 §5; 1965 c.509 §5]

222.540 Procedure for division of installations on withdrawal of part of water district; appeal; joint operations. (1) When a part of a water district, including a water control district or a domestic water supply corporation, is thus withdrawn, the district shall, by action of its governing body, turn over to the city, of which the withdrawn area becomes a part, its water mains, service installations, structures, facilities, improvements and other property in the area withdrawn from the district that are not necessary for the operation of the remainder of the water control or water supply system of the district. All water mains, service installations, reservoirs, structures, facilities, improvements and other property which are necessary for the district to continue maintenance and operation of its water control or water supply system shall remain the property of the district, regardless of whether they are located within or without the city. If the city is not satisfied with such property division made by the district governing body, or if. within 90 days from the effective date of the withdrawal, the district governing body has failed to make a division, the city's governing body may request the county court or board of county commissioners of the county in which the property is situated to decide upon such a division.

(2) After giving 10 days' notice and an opportunity to be heard to the district governing body, the court or board shall, in accordance with the standards of guidance provided in this section for the district governing board, divide the property.

(3) The decision of the county court or board of commissioners shall be binding upon all parties in interest, except that an appeal may be taken therefrom for abuse of discretion in arriving at the decision to the circuit court of the county in which the property withdrawn is located within 30 days from the announcement of the decision. The functions of the district shall be continued in the entire preexisting area thereof by the district until the final determination of the division of property.

(4) This section shall not prevent the governing bodies of the city and the district from arriving at a binding agreement for a joint operation of the water or other facilities of each that will be beneficial to and equitable for the inhabitants and property owners of each after the withdrawal of part of the water district.

[Amended by 1965 c.509 §6]

222.550 Withdrawal of major portion of water district; dissolution optional; transfer of property to city. When the greater portion of a water district including a domestic water supply corporation or a water control district is thus withdrawn, measured by the comparative assessed valuations of the portion withdrawn and the portion remaining in the district, the remainder of the district may dissolve in the manner provided for water districts. If dissolution is determined upon and the city agrees to furnish water or other facilities theretofore provided by the water district to the remainder of the district and if the city agrees to assume the liabilities of the district, then all assets of the district become the property of the city. A city to which the major portion of a water district has been annexed may make such agreement notwithstanding any charter or statute limitation.
[Amended by 1965 c.509 §7]

222.560 Procedure for division of installations on withdrawal of part of sanitary district; appeal; joint operation. (1) When a part of a sanitary district is thus withdrawn, the district shall, by action of its governing body, turn over to the city of which the withdrawn area becomes a part, its sewer lines, pumping stations, disposal and any other properties within the area withdrawn from the district that are not necessary for the operation of the remainder of the sewer system of the district. All outfall, trunk and collection lines, pumping stations, disposal and other properties which are necessary for the district to continue maintenance and operation of its sewer and disposal system shall remain the property of the district, regardless of whether they are located within or without the city. If the city is not satisfied with the division of property made by the district governing body, or if, within 90 days from the effective date of the withdrawal, the district governing body has failed to make a division, the city's governing body may request the county court or board of county commissioners of the county in which the property is situated to decide upon such a division.

(2) After giving 10 days' notice and an opportunity to be heard to the district governing body, the court or board shall, in accordance with the standards of guidance provided in this section for the district governing board, divide the property.

(3) The decision of the court or board shall be binding upon all parties in interest except that an appeal may be taken therefrom for abuse of discretion in arriving at the decision to the circuit court of the county in which the property withdrawn is located within 30 days from the announcement of the decision. The functions of the district shall be continued in the entire preexisting area thereof by the district until the final determination of the division of property.

(4) This section shall not prevent the governing bodies of the city and the district from arriving at a binding agreement for a joint operation of the sewer, sewage disposal or other properties of each that will be beneficial to and equitable for the inhabitants and property owners of each after the withdrawal of part of the sanitary district.

222.570 Effect on metropolitan sanitary districts. ORS 222.560 shall not prevent the formation of metropolitan sanitary districts which may include cities under authority of other laws.

222.575 Agreements for joint operation by city and district may be made before or after withdrawal. The agreements referred to in subsection (5) of ORS 222.530, subsection (4) of ORS 222.540 and subsection (4) of ORS 222.560 may be entered into between the city and a district prior to and contingent upon the withdrawal of the annexed or incorporated area from the district under the provisions of ORS 222.524, or they may be made after such withdrawal.
[1957 c.401 §5]

222.580 Procedure applicable to prior annexations in which no property division was made. The provisions of ORS 222.510 to 222.570 and 242.050 are applicable to areas annexed to or incorporated as cities prior to March 18, 1949. The procedure provided in those sections may be followed in all cases in which such incorporation or annexation was effective prior to March 18, 1949, and in which no apportionment of property was made by March 18, 1949. As to any such district which has not already been taken over by, or come to an agreement with, the city involved, the effective date of the taking over shall be March 18, 1949, or the date of the agreement arrived at under the standards provided in ORS 222.530 to 222.560.

222.590 to 222.600 [Reserved for expansion]